

## **DEPARTMENT OF FOOD AND AGRICULTURE**

### **INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture (Department) no later than 15 days prior to the close of the written comment period.

**Subject Matter of**

**Proposed Regulations:** Bureau of Livestock Identification:  
Modified Point of Origin Inspection Areas

**Section(s) Affected:** Section 850

#### **Specific Purpose of Each Adoption, Amendment, or Repeal**

Existing law, section 21051 of the Food and Agricultural Code requires inspection of all cattle sold, transferred, moved out of state, moved out of a modified point-of-inspection area, moved into a registered feedlot, public auction yard or sales yard, public or private sales market, out of a full point-of-origin inspection area, or from areas designated as quarantine, restricted, or isolated areas, with limited exceptions.

Sections 20017, 20021, 21111 and 21112 of the Food and Agricultural Code specify the requirements and procedures for the modified point-of-origin inspection areas for the movement of cattle.

To implement the above sections of law, the Department has in place regulations under Articles 1-4 of Chapter 3, Division 2, of Title 3 of the California Code of Regulations.

This proposal pertains to section 850 of Article 1, Chapter 3, Division 2, of Title 3 of the California Code of Regulations, to amend the allotment names for the modified point-of-origin inspection areas for Modoc County and parts of Lassen County, as specified.

#### **Factual Basis**

The Department's Bureau of Livestock Identification (Bureau) is a brand registration and inspection program protecting cattle owners in California against loss of animals by theft, straying or misappropriation. The program consists of registration of cattle, horse, burro, and sheep permanent brands inspection of cattle for lawful possession prior to movement, sale or slaughter, and recording of the information obtained by such inspections; and assisting local law enforcement with investigations and prosecutions involving cattle theft.

The Bureau inspects nearly 3.5 million cattle annually and maintains more than 23,000 registered brands. The brand registration and inspection program is financed, in its entirety, through brand registration and inspection fees paid by the cattle owners.

Livestock brand inspections are required in California for the following:

- Whenever cattle are sold or ownership is transferred.
- Prior to transportation out of any designated modified point-of-origin inspection area, for purposes other than sale or slaughter and no change of ownership is involved.
- Exception to above: If cattle are moved to a destination point (saleyard, slaughterhouse, or registered feedlot), they will be inspected at the destination point instead of point of origin.
- Prior to transportation out of state.
- Upon entry into a registered feedlot.
- Prior to slaughter.
- Prior to release or sale from a public saleyard or public or private cattle sales market.
- Prior to transportation or movement from premises designated as quarantine, restricted, or isolated areas pursuant to section 9565.

The Legislature has created within the Department the Livestock Identification Advisory Board under sections 20461 through 20471. The advisory board consists of seven members and assists the Department and the Chief of the Bureau of Livestock Identification in the administration and enforcement of the program. The advisory board makes recommendations relative to improvements or changes in the following areas:

- The administration and enforcement of the hide and brand laws and regulations;
- Procedures which are followed by the Bureau of Livestock Identification;
- Curbing of livestock thefts;
- The annual budget for the Bureau of Livestock Identification;
- Legislation that is designed to improve the functioning of the bureau.

At the April 3, 2008 advisory board meeting, members discussed clarifying the modified point-of-origin inspection areas for Modoc County, and part of Lassen County, as specified in section 850 of Title 3 of the California Code of Regulations. The justification and rationale for the amendments are outlined below.

### **Modified Point of Origin Inspection Areas**

Beef cattle in California are often hauled from one region to another throughout the year for better grazing land and cooler temperatures. Multiple herds often coexist in optimal regions. When one herd leaves an area that is occupied by another herd or more, separation becomes a challenge. In an attempt to facilitate the separation process of cattle, regions have adopted a modified point-of-origin inspection.

The modified point-of-origin inspection was created through legislation and requires all cattle crossing out of a boundary to be inspected. It provides cattle producers with an

additional level of protection from theft, a better return of strays, and helps with other problems associated with mingling cattle. Full point-of-origin inspections may also be established and require inspections for any movement within the full point of origin designated area. Currently, no counties have established full point-of-origin inspections.

The modified point-of-origin inspection areas are established by existing regulation section 850, which reads as follows:

Section 850. Description of Modified Point of Origin Inspection Areas.

There are four (4) modified point-of-origin inspection areas within the state, described as follows:

Area Number 1: Yolo County.

Area Number 2: San Luis Obispo County.

Area Number 3: All of Modoc County, and in addition that part of Lassen County which lies within the following grazing allotments in the Bureau of Land Management and National Forest Land grazing areas: Sears Flat, Neilson Corral, Tulelake, Hall Field, Selk Alaska, and Tuledad.

Area Number 4: All of Del Norte County, all of Humboldt County, and the southwest portions of Trinity County consisting of the east boundary of Six Rivers National Forest to where it intersects the fifth standard parallel, then generally south along the west boundary of the Mendocino National Forest to the Mendocino County line.

Upon review of Area Number 3, above, it was found the text is unclear as to the specific allotments. The Department is not proposing changes to the boundaries or allotments; however, the allotment names need to be corrected.

Additionally, the Bureau of Land Management and the Modoc National Forest are governmental agencies that provide grazing permits and other services to this area and these references need to be updated in the regulation.

Therefore, the Department is proposing to amend section 850, Area Number 3, to clarify the boundaries and allotment names, to read as follows:

*Area Number 3: All of Modoc County, and in addition all Bureau of Land Management, Modoc National Forest, all other public and private property in Lassen County which lies east of Sears Flat and Nelson Corral grazing allotments and private property adjacent to or north of Tule Mountain, Hall Field, Selic-Alaska, and Tuledad grazing allotments, inclusive.*

### **Underlying Data**

- April 3, 2008 Cattle Advisory Meeting Minutes with Attachments
- Map showing California Brand Inspection Regions
- Map showing Area Number 3

### **Business Impact**

The Department of Food and Agriculture has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

### **Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department of Food and Agriculture would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.